

The purpose of this Master's degree (diploma) thesis is to do final review and classification of regulation of transfers of ownership of flats established by act No. 72/1994 Coll. (about ownership of flats) before it will be replaced by act No. 89/2012 Coll. (the new civil code), because now is the last chance to study it as valid and effective. Withal this thesis tries to analyse differences between them, describe changes and new conditions, and find out if the new legislation deals with all issues of this subject matter and possibly come up with a solution of blind spots.

The method to achieve this is creating different systematics of describing and categorizing the old statute, and effort to recognize the same complexes in the new statute. Therefore the thesis is composed of four main chapters, each of them dealing with different aspects of transfers of flats. Chapter One is introducing topic of the thesis and topic's history and defines basic terminology used in the thesis, e.g.: flat, building, (residential) unit or common parts of residential building etc. The chapter two, as one of the two most important chapters, concentrates on principles and mechanism of default case of transfer of flat including compulsory elements of its contracts, leaving aside all possible exceptions. This is followed by the chapter three, that is subdivided into many subchapters, each dealing with one exception case of flat transfer, e.g.: first transfers of (residential) units, Transfer of ownership of flats from the cooperatives to its members, flats where their transfers require some kind of official consent etc. Fourth chapter describes some interesting facts from regulations in other countries like Slovakia or Austria, and international and European Union's legislation.

Conclusions are drawn at the end of the thesis. The main aim of the thesis: to define default flat transfer widely and without any exceptions (as all transfers after first transfer of first unit), couldn't be fully reached because there are too many overlapping special cases of transfer of flat. But during the categorization of them, the thesis formulated basis of special flat transfers common to the most of other exceptional cases. So there is default type of transfer of flats, the second and subsequent transfers of any unit, and basic exceptional type, the first transfer of every unit. From the new legislation is resulting that the main part of privatization and transformation of ownership of flats in Czech Republic has ended. Although in some cases, the oncoming regulation is more operational and it fix many existing problems, there are still some open questions, especially there is no more any rules for some existing situations, like transfers of ownership of flats to members of the cooperative, that built flats like extension of building (attic, superstructure) but didn't become co-owner of the building. Nobody knows how the case law and jurisprudence will solve these problems, but the thesis is at least trying to figure it out.